

86-1. Purpose

The purpose of this chapter shall be to promote the safety of persons and property through reasonable regulation in the use, operation, equipment and anchorage of vessels in all bodies of water within the boundaries of the Town of Charlestown.

86-2. Definitions

HEADWAY SPEED

The slowest speed at which a personal watercraft can be operated and maintain steerage way.

[Added 10-9-2001 by Ord. No. 230]

MOTORBOAT

Any vessel propelled in whole or in part by mechanical means, either inboard or outboard, and using a motor powered by gasoline, diesel fuel, naphtha, kerosene, steam or fuel oil. Water jets and motor skis are included in this definition.

OPERATOR

A person who operates or who has charge of the navigation or use of a watercraft.

[Added 10-9-2001 by Ord. No. 230]

PERSONAL WATERCRAFT

A vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional method of sitting or standing inside the vessel.

[Added 10-9-2001 by Ord. No. 230]

VESSEL

Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

WATER

All lakes, rivers, streams, ponds or other bodies of water located within or partly within the boundaries of the Town of Charlestown.

86-3. Operating Near Bathing Areas

No motorboat or other vessel, while being operated upon waters within the boundaries of the town, shall pass closer than 100 feet of any established or public bathing area on the shores of the waters of the town.

86-4. Speed limit; reckless operation.

- A. No person shall operate any motorboat or other vessel in a reckless or negligent manner so as to endanger the life, safety or property of any person.
- B. No vessel shall be operated in excess of five miles per hour or shall leave a wake in the confines of any breach-way, channel area, designated mooring field or anchorage, or within 100 feet of any dock-age area or while passing through areas where other vessels are at anchor for fishing in any confined area.
- C. Vessels within 200 yards of entering or exiting the mouth of a breech-way, may exceed 5mph, or leave a wake, in order to maintain vessel control and safe navigation when poor surf conditions exist , but will do so in a safe manner as to not endanger life or property.
- D. The Harbor Master shall cause a sign or signs stating the preceding restrictions to be so placed that it is clearly visible to those operating vessels within the waters wherein the speed restrictions apply. These signs will be maintained in place by the Town of Charlestown.

86-5. Slowing to pass certain craft

Motorboat or other vessel operators shall use due and reasonable care in passing close to or near other vessels and shall slow to a reasonable and safe speed when passing rowboats, canoes, sailboats or other vessels not propelled by mechanical means.

86-6. Obedience to Harbor Master and police

Boat operators shall obey lawful directions given to them by the Harbor Master, his assistants or by any police officer employed by the Charlestown Police Department in enforcement of the provisions of this chapter, as well as all boating laws as are covered under the provisions of the Federal Safe Boating Act of 1971 and such amendments as shall have been made thereto. Such boat operators immediately upon being instructed by the Harbor Master or a police officer employed by the Charlestown Police Department, by voice or such sound device as may be used, shall heave to, to allow boarding by such officer and shall comply with the lawful direction of such officer. Checking of all required safety equipment, as well as proper registrations of vessels under power, shall be considered a lawful direction of said officers.

86-7. Waterskiing, swimming, and personal watercraft operation.

- A. No waterskiing will be allowed during the hours between sunset and sunrise or in posted areas, channels, fairways, designated mooring fields, or in anchorages. No water-skier or his/her boat shall approach any stationary or moving object closer than 100 feet, except as may be incidental to starting or finishing a run.
- B. No person shall operate a vessel for towing a person or persons on water skis, or a surfboard, or similar device unless there is in the vessel a person at least twelve (12) years of age, in addition to the operator, in a position to observe the progress of the person or persons being towed. Any person or persons on water skis, a surfboard, a tube or similar device that is being towed behind a vessel on any waters of this state shall be required to wear a life jacket approved by the U.S. Coast Guard.
- C. Swimming is prohibited in all posted areas, channels, fairways, designated mooring, or anchorage areas within the town.
- D. Personal watercraft operation and use shall be permitted in the Town of Charlestown subject to the following regulations:
 - 1) A person may not operate a personal watercraft at any time between the hours from 1/2 hour after sunset to 1/2 hour before sunrise.
 - 2) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including, but not limited to weaving through congested vessel traffic, or jumping the wake of another vessel unreasonably, shall constitute reckless operation of a vessel and are prohibited.
 - 3) No person under the age of 16 shall operate a personal watercraft on the waters of the Town of Charlestown unless an adult accompanies him or her or unless he or she has passed a Department of Environmental Management or United States Coast Guard approved safety course.
 - 4) It is unlawful for the owner of any personal watercraft or a person having charge over or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under 16 years of age in violation of this section unless the provisions of Subsection 3 are met.
 - 5) A person may not operate a personal watercraft within 200 feet of swimmers, divers, shore or moored vessels, except at headway speed.

- 6) Personal watercraft, when launched from shore or returning to shore must proceed directly to the area where operation is allowed in a direction and course as perpendicular to the shore as possible and at a speed not in excess of headway speed.
- 7) No person shall operate a personal watercraft unless he or she and any passenger is wearing a personal flotation device, which is approved by the United States Coast Guard.
- 8) No person shall operate any personal watercraft in a reckless manner so as to endanger the life, limb or property of another.
- 9) No person shall operate any personal watercraft unless it is numbered in accordance with R.I.Gen. Laws Section 46-22-4.
- 10) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch must attach such lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel.
- 11) No personal watercraft shall be operated or used on those certain bodies of water located in the Town of Charlestown as follows:
 - a) Quonochontaug Pond.
 - b) Watchaug Pond.
 - c) Those portions of Schoolhouse Pond (also known as "Cochampaug Pond" and Deep Pond, not within the Settlement Lands of the Narragansett Indian Tribe and described as Tract No. 1 or Tract No. 2, as further delineated on Sheets 1, 2, and 3 (of 5) on those certain surveys entitled, "Trust Lands of the Narragansett Indian Tribe, Washington County, Rhode Island," prepared by the United States Department of the Interior, Bureau of Land Management, dated April 5, 1993 and recorded May 27, 1993 in Plat Book 12 at Pages 5 through 9 of the Town of Charlestown Land Evidence Records, and
 - d) Ninigret Pond (also known as, "Charlestown Pond").

86-8. Sanitation and waste disposal

- A. The owners or operators of all vessels operated, moored or anchored within the waters under the jurisdiction of the Harbor Master shall not permit acts contrary to the public health or sanitary regulations, including such laws, ordinances, rules and regulations as shall be promulgated by the federal, state or local body in authority.
- B. No rubbish, cans, debris, garbage, raw sewage, dead fish or other offal shall be discharged upon or into the waters under the jurisdiction of the Harbor Master.
- C. No petroleum products shall be dumped or pumped onto or into the waters of the town.

86-9. Noise

No operator or vessel owner shall cause or allow excessive noise in the operation of a vessel, nor shall such owner or operator allow excessive noise aboard such vessel when anchored or moored. Un-muffled sound from engines, outboards or other machinery is not permitted, except by permission of the Harbor Master.

86-10. Derelict boats, motors and structures

No derelict boats, motors or piers, wharves or docks shall be allowed in or upon the town's waters or shores.

86-11. Vessels which are unsightly or menaces to navigation

- A. No vessel or watercraft of any kind whatsoever which is of an unsightly appearance or in badly deteriorated condition or which is likely to damage private or public property or which might become a menace to navigation shall be permitted to moor or anchor in waters under the jurisdiction of the Harbor Master.
- B. The Harbor Master and Coastal Pond Management Commission jointly shall determine whether any vessel or other watercraft is of unsightly appearance or in a badly deteriorated condition, and, if a vessel is found to be so, they shall take proper steps for removal of the same. If the owner of any vessel or watercraft so determined to be of unsightly appearance or in a badly deteriorated condition shall fail to remedy such appearance or condition within a reasonable time, the Harbor Master shall notify the owner of record of such vessel or watercraft, in writing, and such owner shall thenceforth be subject to penalties as provided in § 86-20. The Harbor Master shall be designated as the Commissioner of Wrecks and

Shipwrecked Goods pursuant to the provisions of Title 46, Chapter 10, of the Rhode Island General Laws. In addition, the Harbor Master shall have the authority, on behalf of the town, to recover the cost of removing any wrecks or derelicts or abandoned boats from the owner or persons responsible, pursuant to the provisions of Section 46-4-6.11 of the Rhode Island General Laws.

86-12, Use of town floats, docks and property

- A. The maximum period during which a boat may tie up to the town floats or docks shall be one hour unless permission is obtained from the Harbor Master.
- B. Repairing, other than emergency repairs of a minor nature, is prohibited at town floats or docks.
- C. No fishing gear, equipment or any other matter shall be allowed to remain on the town float or dock, except during the actual operation of loading or unloading.
- D. No fish, bait or other marine life may be kept, cleaned or disposed of on the town floats or dock, nor shall the same be disposed of in violation of § 86-8.
- E. There shall be no soliciting from town-owned floats or docks without permission of the Harbor Master
- F. All persons injuring or damaging a town-owned float or dock, or all persons liable therefor, shall within 30 days reimburse the town in an amount equal to the cost of repairing such damage as determined by the Harbor Master and the Town Administrator.

86-13. Obstructing channels and vessels

- A. No warps, lines or fishing gear shall be passed or set out from any island or point of land or anchored in any commonly used part of any water in the town which is considered a channel or from any dock so as to obstruct vessels passing along the same.
- B. Stakes shall not be driven to be used for mooring any vessel or boat or for tying up any fish or bait can, unless in the judgment of the Harbor Master their use would not be an obstruction.
- C. Any fishing gear set in any water within the town shall be marked in such a manner as to allow all operators of vessels to see such markings, including the end of any nets set in the water of the town. Any violation of this provision shall be brought to the attention of the Town Administrator by the Harbor Master, and a request for a prosecution against the owner in violation shall be made.

- D. Moorings shall not be located so that vessels, when lying to the same, shall block any channel or approach to any channel or obstruct the approach to docks or other moorings.

86-14. House Boats

Houseboats, meaning a boat designated primarily for human habitation and which may be used as a home and is not self-propelled, will not be permitted to moor, anchor or tie up within the waters under the jurisdiction of the Harbor Master.

86-15. Certificate of Boater Safety Education

- A. No person born on or after January 1, 1986 shall operate a vessel that is fitted with propulsion machinery of more than ten (10) horsepower unless the person shall have successfully completed a boating safety education program as approved by the director of the Rhode Island Department of Environmental Management.
- B. Any person operating a personal watercraft (Jet-Ski), shall have successfully completed a boating safety education program as approved by the director of the Rhode Island Department of Environmental Management.
- C. Any person having in his or her possession a certificate of completion of any boating safety course approved by NASBLA shall be considered to be in compliance with this ordinance.
- D. The following persons shall be exempt from the educational provisions of this chapter provided that they can provide proof of exemption:
 - 1) A person who operates a vessel under training, directly supervised by a person on board the vessel who is eighteen (18) years of age or older and having in possession a certificate of completion of a boater safety course.
 - 2) A person who holds a valid commercial vessel operator's license issued by the United States Coast Guard, a state, or a province;
 - 3) Non-residents temporarily using the waters who meet the requirements of their state of legal residence.
 - 4) A person who is operating a rented vessel that has watched an instructional video and successfully passed a written safety exam administered by the rental company as requirements for renters.

86-16. Scuba Diving, Skin Diving, or Snorkeling – Warning Flags

Any person scuba diving, skin diving, or snorkeling in an area where power or motor boats are operated, shall place a warning flag on a buoy at a place of his or her submergence. Motorboats shall not be operated within fifty feet (50') of any warning flag. No person shall be in violation of this section if he or she travels within fifty feet (50') of a scuba diver or snorkeler who is in fact obstructing navigation.

86-17. Required Equipment

Any vessel in use on Charlestown waters shall carry all required equipment as outlined in Rhode Island General Law, Regulation of Boats section 46-22-5.

86-18. Operation of unnumbered vessels, or improper display of Vessel Registration Number

- A. All vessels on the waters of Charlestown shall be numbered.
- B. No person shall operate or give permission for the operation of any vessel unless the vessel is numbered in accordance with Rhode Island General Law Regulation of Boats, or in accordance with applicable federal law, or in accordance with a federally approved numbering system or another state, and unless;
 - 1) The certificate of number awarded to the vessel is in full force and effect, and
 - 2) The identifying number set forth in the certificate or number is displayed on each side of the bow of the vessel.
- C. A vessel shall not be required to be numbered if it is;
 - 1) A vessel properly registered in another state using Charlestown waters of 90 days or less or vessels from another country temporarily using Charlestown waters.
 - 2) A vessel purchased within fourteen (14) days and holds a valid Temporary Registration Card.
 - 3) Ship's lifeboats or vessels used only for racing
 - 4) A rowboat less than 12 feet long, or a canoe or kayak.

86-19. Flotation devices – Children

Any person transporting a child under thirteen (13) years of age in a recreational vessel less than sixty-five (65) feet in length on the waters shall require that the child wear a personal flotation device approved by the United States Coast Guard when underway, unless below deck or in a closed cabin.

86-20. Penalties for offenses, and fines

The Chief of Police or his/her designee shall prosecute any violation under this chapter after notification by the Harbor Master of said violation. Such prosecution shall be in the Municipal Court.

Every owner, master, agent or person in charge of any vessel or watercraft, surfboard or water-skier, who shall neglect or refuse to obey the directions of the Harbor Master or other enforcement officer of a local jurisdiction in matters within their authority to direct, and every person who shall resist or oppose such Harbor Master or other authority in the execution of his duties or shall violate any of the provisions of this chapter or related regulations shall, upon conviction therefor, be fined not exceeding \$50 for each offense, and each day that such neglect, refusal or opposition shall continue after notice thereof is given by the Harbor Master or other authority to any owner, master, agent or other person in charge of a vessel, watercraft or mooring shall constitute a separate offense.

Any person who shall remove from a location assigned by the Harbor Master any posted sign or Mooring belonging to the town or another without authority from or under the direction of the Harbor Master shall, upon conviction therefore, be subject to a fine of up to \$50.

Any individual's violation of any provision of this chapter may be cause for the Harbor Master's refusal to allow such individual with his vessel or other watercraft in the waters under the jurisdiction of the Harbor Master for such period of time as may be determined by the Harbor Master or the Coastal Pond Management Commission, together with the necessary court action in cases of violation of state or federal law.

All fines levied in § 86 are payable to the Town of Charlestown within 14 days of the offense. Failure to pay the fine as required within 14 days shall subject the violator to an additional fine not to exceed \$50 and to answer to the offense in Municipal Court, unless such nonpayment is handled in accordance with § 86-20.F.

Any fine levied in § 86, disputed by the violator, may be adjudicated in the Municipal Court, provided that such adjudication is requested in writing within 14 days of the offense. This ordinance shall take effect upon its passage.

86-21. Complaints

All complaints for violation of this chapter shall be made to the Harbor Master, in writing.

86-22. Harbor Master

There shall be a Harbor Master for the Town of Charlestown who shall be appointed by the Town Council upon the recommendation of the Town Administrator.

86-23. Assistant Harbor Masters

Assistant Harbor Master(s) for the town shall be appointed by the Town Administrator upon the recommendation of the Harbor Master. Assistant Harbor Master(s) shall report directly to the Harbor Master and are authorized with the same duties as the Harbor Master, under the direction of the Harbor Master.

86-24. Compensation; Budget

The Harbor Master and Assistant Harbor Master(s) shall receive compensation requested by the Coastal Pond Management Commission budget and approved in the annual budget by the Town Council.

86-25. Authority and Duties of Harbor Master

The Harbor Master shall report functionally and administratively to the Chief of Police and have the following duties:

- A. Be responsible for the administration and enforcement of the provisions of the Harbor Management Plan and any ordinances and regulations adopted pursuant thereto.
- B. Process applications for the issuance of mooring permits and assign proper placements of moorings in accordance with Chapter 96, Coastal Ponds and Mooring.

- C. Keep proper records of all mooring application information, including the locations of moorings, mooring owners and vessel usage of mooring, and type of vessels using moorings.
- D. Prepare, keep current and make available a waiting list for mooring permits in accordance with the provisions of Chapter 96, Coastal Ponds and Mooring, and regulations adopted pursuant hereto if the demand for available mooring permits is greater than the number of available mooring locations in any given year.
- E. Manage and maintain records of mooring tackle inspections, authorize commercial and private, qualified inspectors of mooring tackle, and, if determined necessary, inspect mooring tackle in accordance with the provisions of this chapter and regulations adopted pursuant hereto.
- F. Carry out all other powers and duties authorized to Harbor Masters under various state, local and federal marine laws, including but not limited to marine sanitation device (MSD) inspection and discharge responsibilities afforded through the United States Coast Guard, MARPOL ANNEX V, Section 312 of the Clean Water Act, Title 46-22 of the General Laws of Rhode Island and future laws yet to be enacted.

86-26. Coastal Pond Regulations

The Coastal Pond Management Commission shall adopt rules, procedures and regulations for the operation of this chapter, said regulations, fees and charges, shall become effective upon approval, by resolution, of the Town Council.

86-27. Posting Regulations

The Harbor Master may post and maintain on or adjacent to all floats, docks and launching sites within the town, and other feasible locations, an adequate digest of those portions of this chapter relating to the operation of vessels under the jurisdiction of the Harbor Master.

86-28. Review of Operations

The Harbor Master shall attend meetings of the Coastal Pond Management Commission and make reports to the Town Council as may be required.